IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 17 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

@

MANGLABEN NANJIBHAI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 17 of 1990

MR DM THAKKAR for Petitioner No. 1

MR MK DAGLI, AGP for Respondent No. 1

MR PARESH UPADHYAY for Respondent No. 2

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 09/08/2002

ORAL JUDGEMENT

In this petition, which is filed under Article 226 of the Constitution, the petitioner i.e. Ms.

Manglaben Nanjibhai, has prayed to issue a writ of mandamus or any other appropriate writ or order to quash and set aside order dated August 29, 1989, terminating her services. She has further prayed to declare that she continues to be in service and is entitled to all the benefits as per law.

2. During the course of hearing of the petition, Mr. M.K.Dagli, learned A.G.P. appearing for the State of Gujarat, has produced letter dated August 6, 2002 addressed to him by the Incharge Registrar, District Court, Junagadh, together with accompaniments. It is ordered to be taken on record of the case. Along with the letter, report of the learned District Judge, Junagadh, dated April 1, 2000 addressed to the Registrar, High Court of Gujarat, Ahmedabad, is also produced, wherein it is stated that the petitioner has been continued in service and as she has no grievance, she herself has prayed that she does not want to proceed further with Special Civil Application No. 17 of 1990. In support of what is stated in the report, the learned District Judge, Junagadh, has sent a copy of letter dated March 23, 2000 addressed by Ms. Manglaben Nanjibhai to him, wherein she has stated that as she has been continued in service, without any break, she is not inclined to conduct the Special Civil Application filed by her before the High Court.

3. Mr. Paresh Upadhyaya, learned counsel for respondent no.2, has produced a photostat copy of letter dated August 8, 2002 addressed by Ms. P.S.Shukla, learned District Judge, Junagadh, to him. It is ordered to be taken on record of the case. In the said letter also, it is mentioned that Ms. Manglaben Nanjibhai was selected as a Peon in the year 1986 and is continued in service as such, and she is not going to be relieved from service.

4. From the contents of the letters referred to above, it is evident that the petitioner has been continued in service, without any break, and she is not going to be relieved from service. Thus, the petition has become infructuous and deserves to be disposed of accordingly.

For the foregoing reasons, the petition is dismissed as having become infructuous. Rule is discharged with no orders as to costs. Ad-interim relief granted earlier is hereby vacated.

(J.M.Panchal, J.)

(patel)